

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALTON D. BROWN,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 16-1680
)	
WEXFORD HEALTH SOURCES, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM ORDER

Before the Court is Alton D. Brown’s “Appeal of Magistrate Judge’s Order (Doc. 475),” denying Mr. Brown’s Motion Stay (Doc. 469). ECF No. 476. In denying Mr. Brown’s Motion, the Magistrate Judge recounted the history of extensions of time granted to Mr. Brown to respond to Defendant’s summary judgment motions. ECF No. 476, at 2. Mr. Brown’s initial response was due by November 25, 2022. The Magistrate Judge granted nine extensions, plus an additional extension in light of the Motion to Stay, bringing the latest deadline to April 29, 2024. As stated by the Magistrate Judge, the summary judgment motions have been outstanding for over a year and a half due to the extensions granted to Mr. Brown. The case itself has been pending for more than seven years. In managing this case, the Magistrate Judge has granted Mr. Brown’s extensions, but has now determined that it is time for this case to proceed to the next stage. The Courts finds no error in this conclusion. *See Santos v. United States*, 655 F. App’x 51 (3d Cir. 2016) (affirming District Court’s dismissal of action due to inmate’s failure to prosecute § 1983 action, where delay was due to inmate extensions based on, in part, his medical health,

other legal cases, inability to access his legal materials due to travel, and the prison's alleged actions to affirmatively halt inmate's ability to access his legal property). The Court finds that the Magistrate Judge's Order denying the Motion to Stay is not clearly erroneous, contrary to law, or an abuse of discretion.

AND NOW, this 25th day of April 2024, it is hereby ORDERED that Alton Brown's "Appeal of Magistrate Judge's Order (Doc. 475)" is denied.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

Alton D. Brown, pro se
DL-4686
SCI Fayette
48 Overlook Drive
LaBelle, PA 15450-1050